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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,833	02/12/2004	Gregory Paul Andrews	ROC920030246US1	5895

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EXAMINER
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PILLAI, NAMITHA

ART UNIT	PAPER NUMBER
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2173

MAIL DATE	DELIVERY MODE
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01/25/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/777,833

Applicant(s)

ANDREWS, GREGORY PAUL

Examiner

Namitha Pillai

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11 and 22-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/1/07 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                 | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. <u>5</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____.   |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The Examiner acknowledges Applicant's submission on 1/8/08 including the cancellation of claims 1-10 and 12-21 and the amendment to claims 22 and 24. In view of Applicant's arguments against U. S. Patent Publication No. 2004/0049729 A1, prosecution has been re-opened. All pending claims have been rejected for being obvious over the prior arts disclosed.

### ***Drawings***

2. The drawings are objected to because the components of Figure 1A have not been properly labeled. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required

corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 11 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In particular, the specification fails to provide support for "***replacing the list of numbers in the clipboard with the summary information***". The replacing feature as disclosed in the specification does not make clear the elements used in the replacing step. Based on the current disclosure, the Examiner has interpreted that the replacing involves replacing the elements within the clipboard, where the copied list of elements are replaced on the clipboard with the summary data. The disclosure has not clearly defined that the list of numbers in the clipboard with the summary information replaced, where the replacement feature has not been clearly defined.

4. Claims 11 and 22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains

subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification disclosure has not clearly disclosed, **"in response to the selection event, automatically converting the list of elements to a required type for the desired summary function"**.

5. Claim 24 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The disclosure has not clearly described that the separators are removed from the list of elements.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 11 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent Publication No. 2004/0049729 A1 (Penfield) and U. S. Publication No. 2002/0124016 A1 (Rank et al.), herein referred to as Rank

and U. S. Publication No. 2002/0036662 A1 (Gauthier et al), herein referred to as Gauthier.

Referring to claim 11, Penfield discloses a method of displaying customizable summary information about a list of elements and receiving a selection of at least one desired summary function (page 1, paragraph 9, lines 6-8). Penfield discloses receiving notification of a selection event, the selection event comprising a user identifying a list of numbers in an application program executing on the computing system (page 1, paragraph 11, lines 1-6), where the user identification of a portion of the data includes the list of numbers or elements which are selected from the spreadsheet form. Penfield discloses in response to the user's selection event, the list of selected elements are automatically converted to required format data represented in another way (page 1, paragraph 11, lines 1-6), where in response to user selection, the numbers are converted to other formats based on calculations carried out. This newly formatted data is then further assessed to generate summary information associated with this new data (page 1, paragraph 11, lines 1-6), where the interpretation results of the newly formatted data represents summary information. Penfield discloses displaying the summary information in a pop-up window (reference number 210, Figure 2). Penfield does not disclose replacing the selected list of numbers with the summary information. Although Penfield discloses displaying the summary information to the user interface, Penfield does not disclose replacing the summary information. It is notoriously well known, in the art, at the time of the invention, to replace the selected list of numbers in the clipboard with the

summary information. Examiner takes Official Notice of this teaching. It would have been obvious for one skilled in the art, at the time of the invention to replace the selected list of numbers with the summary information. It is well known in the art that clipboard data is replaced with one set of copied data with another set of copied data in this case being the list of elements replaced with the summary information. In view of this well known teaching, it would have been obvious to one skilled in the art at the time of the invention to replace the selected list of numbers with the summary information.

Penfield does not disclose a configuration file and copying the list of numbers. Rank discloses generating a configuration file containing spreadsheet information including summary functions (page 1, paragraph 2, lines 2-3). Rank discloses copying spreadsheet data including the list of data values or numbers into a clipboard or memory address (page 4, paragraphs 42 and 43). Rank also discloses parsing the configuration file to extract the desired information including function data (page 5, paragraph 47). It would have been obvious to one skilled in the art at the time of the invention to learn from Rank to include configuration file which stores the desired information including the copied list of data values and other data related to the spreadsheet including summary functions. Rank discloses the need for such a configuration file and manipulation within this file to extract desired data in use with PDAs where memory storage is an issue (page 3, paragraph 25). Penfield has disclosed that the system of Penfield can be incorporated into any computer system including a PDA (page 5, paragraph 58). The need for a configuration file and manipulation within this configuration file

would have been an obvious teaching in view of the motivation where such a configuration file is efficient when working with spreadsheet applications in PDA systems. Therefore, one skilled in the art would have been motivated to learn from Rank to include configuration file which stores the desired information including the copied list of data values and other data related to the spreadsheet including summary functions.

Penfield and Rank do not disclose that the plurality of numbers in the spreadsheet is displayed in a web page. Gauthier discloses identifying a plurality of numbers in a web page (page 18, paragraphs 156-159). It would have been obvious to one skilled in the art at the time of the invention to learn from Gauthier to identify a plurality of numbers in a web page. Penfield has disclosed that it is difficult for novice users to learn a new application, where one of the objectives of Penfield is to alleviate the users' need to be experienced with a distinct application. A novice user familiar with a known application such as the Internet would have an easier time accessing the number data and summary data through a more familiar and known application such as the Internet and through its web page. Therefore, one skilled in the art would have been motivated to learn from Gauthier to identify a plurality of numbers in a web page.

Referring to claim 22, Penfield discloses a method of displaying summary information about a list of elements and receiving a selection of at least one desired summary function (page 1, paragraph 9, lines 6-8). Penfield discloses receiving notification of a selection event, the selection event comprising a user identifying a list of elements in an application program executing on the



computing system (page 1, paragraph 11, lines 1-6), where the user identification of a portion of the data includes the list of numbers or elements which are selected from the spreadsheet form. Penfield discloses in response to the user's selection event, the list of selected elements are automatically converted to format data represented in another way (page 1, paragraph 11, lines 1-6), where in response to user selection, the numbers are converted to other formats based on calculations carried out. This newly formatted data is then further assessed to generate summary information associated with this new data (page 1, paragraph 11, lines 1-6), where the interpretation results of the newly formatted data represents summary information. Penfield discloses displaying the summary information in a results window (page 1, paragraph 10, lines 7-9). Penfield does not disclose a configuration file. Rank discloses generating a configuration file containing spreadsheet information including summary functions (page 1, paragraph 2, lines 2-3). Rank also discloses parsing the configuration file to extract the desired information including function data (page 5, paragraph 47). It would have been obvious to one skilled in the art at the time of the invention to learn from Rank to include configuration file, which stores the desired information. Rank discloses the need for such a configuration file and manipulation within this file to extract desired data in use with PDAs where memory storage is an issue (page 3, paragraph 25). Penfield has disclosed that the system of Penfield can be incorporated into any computer system including a PDA (page 5, paragraph 58). The need for a configuration file and manipulation within this configuration file would have been an obvious teaching in view of the

motivation where such a configuration file is efficient when working with spreadsheet applications in PDA systems. Therefore, one skilled in the art would have been motivated to learn from Rank to include configuration file which stores the desired information including the copied list of data values and other data related to the spreadsheet including summary functions.

Penfield and Rank do not disclose that the statistical processing system comprises a web browser. Gauthier discloses identifying a list of elements in an application program that comprises a web browser (page 8, paragraph 74). It would have been obvious to one skilled in the art at the time of the invention to learn from Gauthier to identify a list of elements in an application program that comprises a web browser. Penfield has disclosed that it is difficult for novice users to learn a new application, where one of the objectives of Penfield is to alleviate the users' need to be experienced with a distinct application. A novice user familiar with a known application such as the Internet would have an easier time accessing the number data and summary data through a more familiar and known application such as the Internet and through its web page. Therefore, one skilled in the art would have been motivated to learn from Gauthier to identify a list of elements in an application program that comprises a web browser.

Referring to claim 23, Penfield discloses that identifying the list of elements in an application program comprises highlighting textual material that contains the list of elements and at least one separator (page 4, paragraph 37, lines 11-13).

Referring to claim 24, Penfield discloses converting the list of elements to a required type for the desired summary function (page 1, paragraph 11, lines 1-6). Penfield discloses copying the textual material into an addressable memory structure and parsing the textual material to identify the at least one separator and removing the separator from the list of elements (page 1, paragraphs 11 and 12), where data is copied and stored to a memory structure and violated data is highlighted and separated and removed from the other list of elements.

### ***Response to Arguments***

7. Applicant's arguments, filed 1/8/08, with respect to the rejection(s) of claim(s) 11 and 22-24 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Gauthier.

### ***Conclusion***

8. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action.

Responses to this action should be submitted as per the options cited below: The United States Patent and Trademark Office requires most patent related correspondence to be: a) faxed to the Central Fax number (571-273-8300) b) hand carried or delivered to the Customer Service Window (located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), c) mailed to the mailing address set forth in 37 CFR 1.1 (e.g., P.O. Box 1450, Alexandria, VA

22313-1450), or d) transmitted to the Office using the Office's Electronic Filing System.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached from 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, primary examiner, Tadesse Hailu can be reached on (571) 272-4051.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair->

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direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Namitha Pillai  
Patent Examiner

Art Unit 2173

January 23, 2008

TADESSE HAILU  
PRIMARY EXAMINER

